

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

JOHN A. CASILLAS

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

CIVIL NO. 97-1645(CCC)

Re: Criminal No. 90-314-3(CCC)

Section 2255

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U.S. DISTRICT COURT
SAN JUAN, P.R.

ORDER

MOTION	RULING
Docket No. 26 "Motion to Reopen, Alter, or Amend..." by petitioner, pro se	The Report and Recommendation (the R&R) was filed on July 2, 1999 and entered on the docket on July 7, 1999. (Docket No. 23). Petitioner had 10 days to file objections to same, computed pursuant to Fed. R. Civ. p. 6 (excluding intermediate weekends), upon its receipt (<u>see</u> , R&R at 9, l. 22). According to the petitioner, the date of receipt was July 12, 1999 which, pursuant to the prisoner mailbox rule, the petitioner should have deposited his objections to the R&R on or before July 26, 1999. Petitioner alleges that he did this on July 23, 1999 but that his correspondence to the Clerk's Office was eventually returned marked as "unclaimed;" he remailed same on August 17, 1999, and was stamped as received and filed on August 23, 1999. (Docket No. 32).
Docket No. 31 "United States Request for Dismissal..."	The United States alleges that petitioner's actions have left the Court without jurisdiction because the 10-day period to file objections to the R&R expired on July 12, 2000, an erroneous computation considering, at the very least, that the R&R was not entered on the docket and notified to the petitioner until July 7, 1999. In order to more expeditiously determine the relevant dates, since petitioner sent his pleading via certified mail, the Clerk shall send copy of this Order to the Warden at FCI Estill, who shall submit copies of the prisoner mail log for July 23, 1999 and August 17, 1999, or any other dates or records which assist this Court in its determination of the timeliness of petitioner's objections, within twenty (20) days from the date of this Order.
Docket No. 28 Letter-Motion requesting free copies of dockets and court reporter information, by petitioner, pro se	GRANTED. The Clerk shall provide free copies of the captioned civil and criminal dockets. Information as to the court reporters for all proceedings shall be provided to the petitioner provided he identifies the proceedings in an organized fashion, listing each proceeding by title, date and docket number.

DATE: September 30 2000

s/c J. Casillas w/ copy of civil & criminal dkt.
M. San Juan
S. Estill
Warden at FCI Estill
OCT - 4 2000

CARMEN CONSUELO CEREZO
U.S. District Judge

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